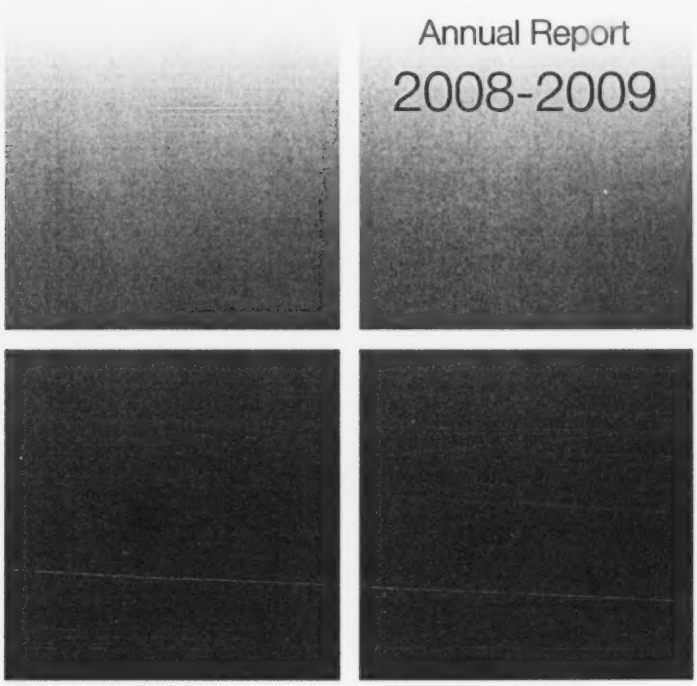
Public Safety Canada | Sécurité publique Canada

Access to Information Act



KEEPING CANADIANS SAFE

Canada

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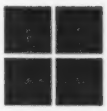
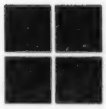


Access to Information Act

Annual Report

2008-2009



Chapter I – Report on the *Access to Information Act*

About Public Safety Canada 1
About the Public Safety Portfolio 1
About the *Access to Information Act* 2
The Access to Information and Privacy (ATIP) Unit 2
Delegation of Authority 2
Highlights and Accomplishments for 2008-2009 3
Challenges 4

Chapter II – *Access to Information Act* Statistical Report

Overall Workload Trends 5
Requests Received under the *Access to Information Act* 6
Source of Requests 7
Extensions 8
Disposition of Requests for 2008-2009 8
Consultations from Other Institutions 9
Investigations 10
Appeals to the Court 11
Training 11
Informal Processes 11
Public Reading Room 11

Annex A: Delegation Orders – *Access to Information Act* i

Annex B: Statistical Report – *Access to Information Act* ii

About Public Safety Canada

Public Safety Canada (PS) was created in 2003 to provide leadership and coordination across all federal departments and agencies responsible for the safety of Canadians. The Department delivers a range of programs related to national emergency preparedness, critical infrastructure protection and community safety. Working towards a safe and resilient Canada, the Department provides leadership, coordinates and supports the efforts of federal organizations responsible for the national security and safety of Canadians. The Department also works with other levels of government, first responders, community groups, the private sector and other countries to achieve its objectives.

To keep Canadians safe from a range of threats, the Department provides strategic policy advice and support to the Minister of Public Safety on issues related to public safety, including: national security; emergency management; policing and law enforcement; interoperability and information-sharing; border management; corrections and conditional release; Aboriginal policing; and, crime prevention.

Providing strategic public safety leadership, the Department works within a portfolio consisting of five agencies and three review bodies. These entities, including the Department, are united under the Public Safety Portfolio and report to the same minister, resulting in enhanced integration among federal organizations dealing with public safety issues. The Department supports the Minister in all aspects of his mandate and plays a national public safety leadership role while respecting the separate accountability of each Portfolio agency.

Also situated within the Department is the Office of the Inspector General of the Canadian Security Intelligence Service (CSIS), which carries out independent reviews of CSIS' compliance with the law, Ministerial direction and operational policy.

About the Public Safety Portfolio

The Public Safety Portfolio is responsible for public safety within the Government of Canada and consists of five agencies: the Canada Border Services Agency, the Canadian Security Intelligence Service, the Correctional Service of Canada, the National Parole Board, and the Royal Canadian Mounted Police (RCMP). It also includes three review bodies: the RCMP External Review Committee, the Commission for Public Complaints Against the RCMP, and the Office of the Correctional Investigator.

Each portfolio agency, review body, as well as IGCSIS, submit separate annual reports to Parliament on the administration of the *Access to Information Act* and the *Privacy Act*.

Chapter I – Report on the *Access to Information Act*

About the *Access to Information Act*

The *Access to Information Act* was implemented on July 1, 1983. The *Act* gives the public a broad right of access to information contained in federal government records, subject to certain limited and specific exceptions.

Section 72 of the *Access to Information Act* requires that the head of every government institution submit an annual report to Parliament on the administration of the Act during the financial year. This report outlines how Public Safety Canada administered the *Access to Information Act* throughout fiscal year 2008-2009.

The Access to Information and Privacy (ATIP) Unit

The Access to Information and Privacy (ATIP) Unit is part of Public Safety Canada's Executive Services Division within the Department's Strategic Policy Branch. It is comprised of one Manager, two senior advisors, four analysts and one administrative officer. The ATIP Manager served as the Department's ATIP Coordinator throughout the reporting year.

The ATIP Unit is responsible for the coordination and implementation of policies, guidelines and procedures to ensure departmental compliance with the *Access to Information Act* and the *Privacy Act*. The Unit also currently provides the following services to the Department:

- Processes consultations received from other institutions;
- Provides advice and guidance to employees and senior officials on ATIP related matters;
- Produces the Annual Reports to Parliament;
- Delivers ATIP awareness sessions to departmental employees;
- Coordinates regular updates to *Info Source* manuals;
- Reviews departmental documents, such as audits and evaluations, prior to proactively disclosing these on the departmental website;
- Develops departmental procedures for processing ATIP requests;
- Maintains the Department's ATIP reading room ;
- Participates in forums for the ATIP community, such as the Treasury Board Secretariat ATIP Community meetings and working groups.

Delegation of Authority

The responsibilities associated with the administration of the *Access to Information Act*, such as notifying applicants of extensions and transferring requests to other institutions, are delegated to the departmental ATIP Coordinator through a delegation instrument signed by the Minister of Public Safety. The approval of all exemptions remains with the Deputy Minister, the Associate Deputy Minister and all Assistant Deputy Ministers (ADMs).

A detailed delegation instrument is available at Annex A.

Highlights and Accomplishments for 2008-2009

Public Safety Canada has continued to improve the way in which the Department responds to ATI requests, by focusing on improving timeliness, efficiency and accuracy. We implemented concrete measures in FY 2007-2008 that allowed us to achieve these goals, and we continued to build on these improvements over the year. Some of the highlights are as follows:

- All available standard classes of records and standard Personal Information Banks (PIBs) were identified in *Info Source*. The ATIP Unit led a departmental working group with representatives from each branch, as well as experts from the Department's Information Management group to update the Department's institution specific classes of records descriptions and PIBs. The group's work is ongoing, and Public Safety expects that some of the required updates will be reflected in the 2009 *Info Source* publication.
- The Department's Management Committee was briefed on the status of the Department's information holdings as well as its obligations. The Committee agreed that the Department would continue registering required standard banks, ADMs would review the entries in *Info Source* to validate their currency, and the Department would respect statutory requirements in relation to any new program activities from this point forward.
- The Department has further engaged ADMs around timeliness of responding to ATIP requests through weekly reporting to senior management and quarterly reporting on meeting retrieval deadlines by Branch.
- The ATIP Unit moved its operations in November 2008 to the Department's headquarters at 269 Laurier Avenue West. The move has benefited the Department's performance on ATIP matters by improving access to Offices of Primary Interests (OPIs) and reducing the overall time needed to route most dockets.
- Despite a significant increase in consultations during this past year, the Department has remained committed to on-time performance in the face of the continued high volume of requests.

Challenges

Staffing

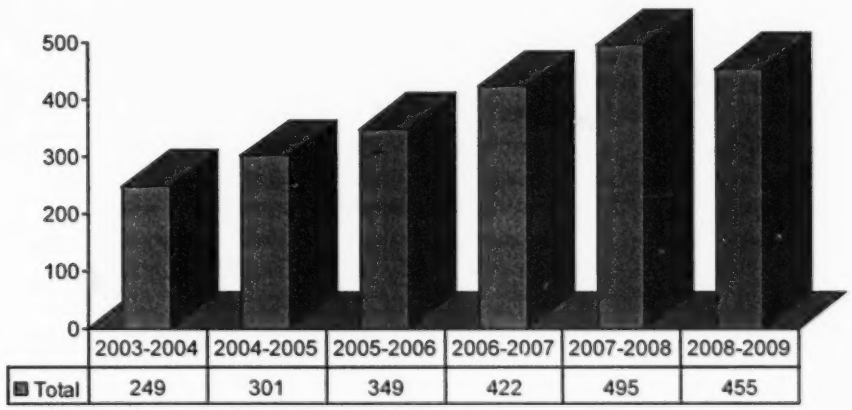
The ATIP Unit modified its organizational structure to allow greater flexibility in recruitment and is considering the creation of developmental positions in order to retain experienced employees while allowing for career progression. As with most federal institutions, recruitment and retention of qualified ATIP professionals continues to be a significant challenge. The challenge at Public Safety is further complicated by the requirement that many ATIP staff require security clearances at the very highest level given the nature of the Department's business.

Public Safety continues to examine resources in the ATIP Unit.

Overall Workload Trends

Annex B provides a summarized statistical report on *Access to Information Act* requests processed by Public Safety Canada between April 1, 2008 and March 31, 2009. The following section reviews and interprets the statistical information by analyzing workload trends.

Figure 1 - Overall Workload Trend

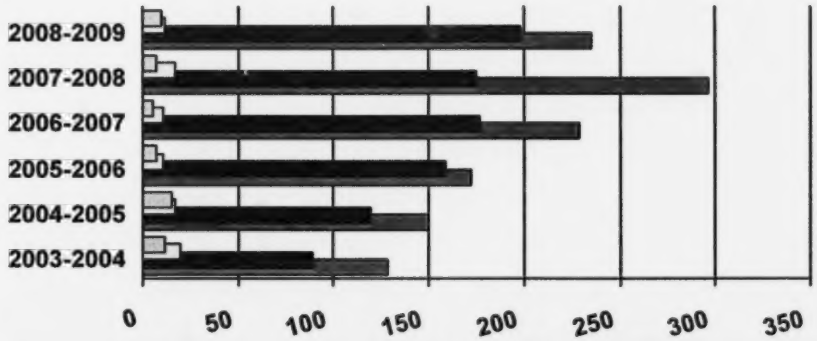


Over the past six years, the workload for the ATIP Unit has doubled. FY 2008-2009 saw a slight decrease in total volume from the previous year. Totals include formal Access and Privacy requests, and consultations from other institutions. The figures do not reflect requests processed informally or other services that the ATIP Unit provides to the Department.

Public Safety Canada plays a role in coordinating activities involving federal institutions within the Public Safety portfolio as well as with other organizations at all levels of government on matters relating to the safety of Canadians. Consequently, the Department processes nearly as many consultation requests from other institutions as formal ATIP requests. ATI-related work continues to dominate the ATIP unit's workload.

The following graph provides a categorical breakdown of workload trends over the past six years.

Figure 2 - Workload Trend by Category



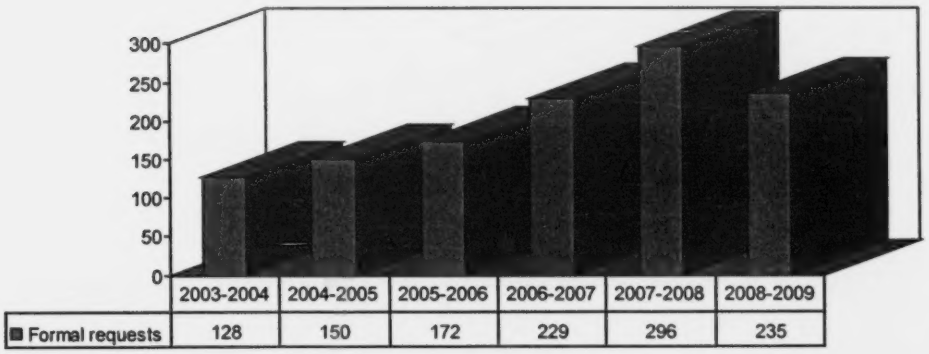
	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009
Privacy consultations	12	15	7	5	7	10
Privacy requests	20	17	11	11	17	12
ATI consultations	89	119	159	177	175	198
ATI requests	128	150	172	229	296	235

Requests Received under the *Access to Information Act*

Public Safety Canada received two hundred and thirty-five (235) new Access to Information requests throughout the 2008 -2009 fiscal year, representing a slight decrease in the number of requests received the previous year (296). Fifty-nine (59) requests were carried forward from the previous fiscal year, resulting in a total of two hundred and ninety-four (294) requests to process during 2008-2009. Two hundred and forty-two (242) of these requests were completed during the reporting year, while the remaining fifty-two (52) requests were carried forward to the next reporting year.

The following graph illustrates the number of formal requests received by the Department.

Figure 3 - Formal ATI Requests Received by Public Safety Canada

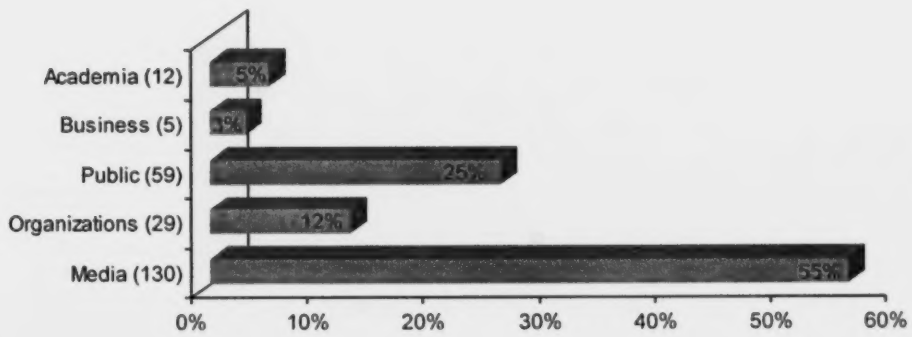


Source of Requests

Media dominated the source of requests received by Public Safety Canada for the 2008-2009 fiscal year. Of the two hundred and thirty-five (235) requests received, the media comprised 55% of that number (130). Members of the public who did not identify themselves as belonging to any other category accounted for 25% of requests (59), and 12% were received from organizations (29). A small percentage of requests were submitted from businesses (5) and academia (12), at 3% and 5% respectively.

The following graph details the breakdown of requests received by each group, and the percentage of the total requests they represent.

Figure 4 - Source of Requests



Extensions

Section 9 of the *Access to Information Act* allows institutions to extend the legal deadline for processing a request if a search for responsive records cannot be completed within 30 days of receipt of the request, or if the institution must consult with other institutions or third parties.

Public Safety Canada plays a role in coordinating activities involving federal institutions within the Public Safety portfolio as well as with other organizations at all levels of government on matters relating to the safety of Canadians. Extensions in excess of 90 days are therefore often necessary in order to undertake the required consultations.

The Department invoked a total of ninety-four (94) extensions during the 2008-2009 fiscal year, and eighty-seven (87) of these were for more than 31 days. Four (4) extensions were invoked due to the high volume of records involved. Eighty-nine (89) extensions were required in order to undertake consultations with other federal institutions, and one (1) was required for third party notification.

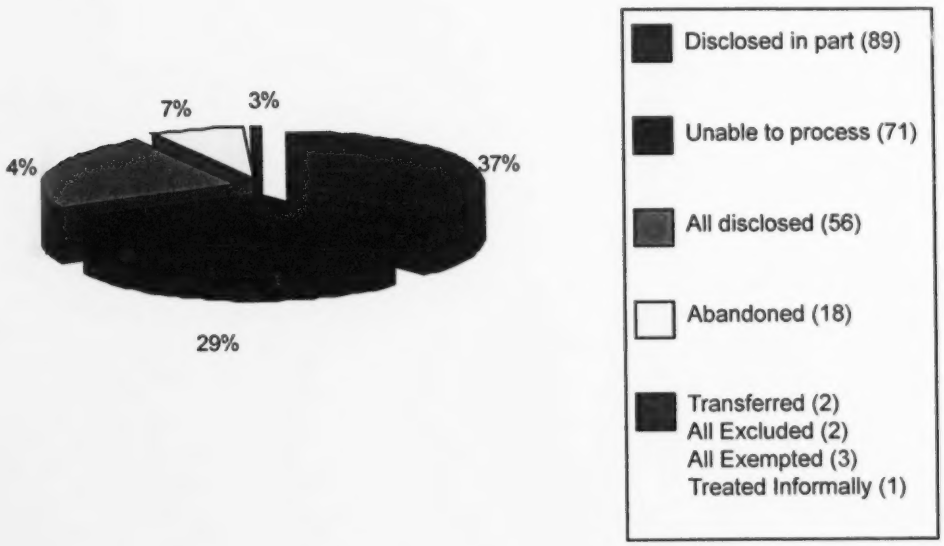
Of the two hundred and forty-two (242) requests completed over the year, one hundred and forty-eight (148), or 61%, of requests were completed in 30 days or less, while ninety-four (94), or 39%, were completed beyond thirty days. Seventeen (17) requests required a 31-60 day extension and twenty-two (22) required extensions of 61 to 120 days. Fifty-five (55) requests were extended for 121 days or more.

Disposition of Requests for 2008-2009

As many of the documents processed by Public Safety Canada's ATIP Unit contain sensitive information relating to national security and law enforcement, as well as advice to the Minister and Cabinet records, the majority of departmental responses contain exempted and/or excluded information.

The following graph identifies the disposition of requests completed during the year.

Figure 5 - Disposition of Requests

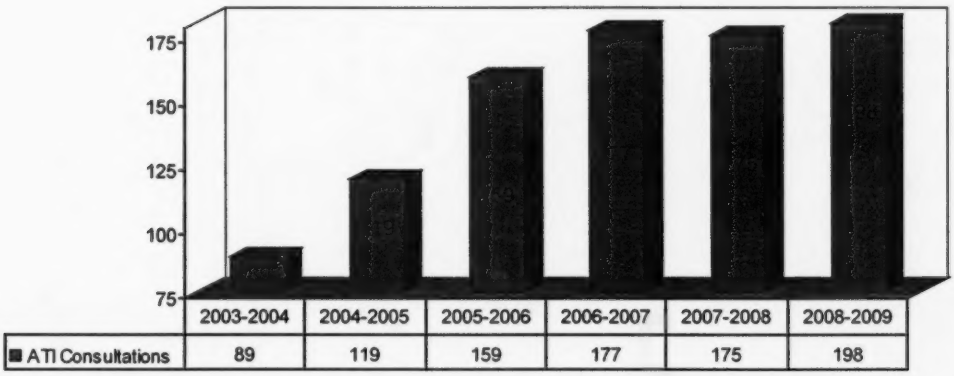


Consultations from Other Institutions

The Department's role in coordinating with other federal institutions as well as those within the Public Safety portfolio has resulted in the Department having a greater interest in the records processed by other institutions. A significant amount of the ATIP Unit's workload involves responding to consultations in response to formal requests received by other institutions. These responsibilities are not reflected in the ATIP Unit's current resource levels.

While the number of formal ATI requests decreased over the reporting year, consultations from other institutions increased significantly. The following graph details the increase in the number of consultations from other federal institutions since the Department was created in December 2003.

Figure 6 - Number of ATI Consultations from Other Institutions



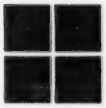
Investigations

The Office of the Information Commissioner notified Public Safety Canada of fifty-eight (58) complaints received throughout 2008-2009. This number represents a 62% percent increase from the previous year, during which time thirty-six (36) complaints had been received. The Department attributes this increase to delays at the Office of the Information Commissioner in entering new complaints received by their office in 2007-2008. Over the last three years, the Department averaged forty-six (46) complaints per year.

Half (29) of the complaints received concerned the length of extension invoked, while sixteen (16) complaints were registered under the category "denial of access" because the Department had notified requesters that records responding to the requests could not be located. Twelve complaints (12) concerned the exemptions/exclusions applied to withhold information and one complaint was pertaining to delay.

A total of thirty (30) complaints were completed during the reporting period. The Information Commissioner's findings with respect to the complaints were as follows:

- one (1) complaint of denial of access was not well founded;
- one (1) complaint regarding the application of exemptions and/or exclusions was resolved; and
- of the twenty-eight (28) complaints received on time extensions, six (6) were resolved, three (3) were not well founded, and nineteen (19) were discontinued.



Appeals to the Court

There was one appeal to the Federal Court for fiscal year 2008–2009. The matter is ongoing.

Training

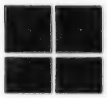
The Department focused on furthering ATIP awareness in 2008-2009. The ATIP Unit delivered a total of 8 two-hour information sessions with a total of 80 people attending the sessions. The ATIP Unit also created training materials that focus both on ATI requirements and departmental procedures for processing ATI requests. These documents are now available to Public Safety employees through the intranet site. The ATIP Unit also provides ongoing individualized training on departmental procedures to Public Safety Canada's employees who assume ATIP responsibilities. The Department hopes to expand its resources to be able to provide more frequent and comprehensive training sessions for employees as well as develop training materials and resources.

Informal Processes

Whenever possible, information is provided informally to the public by departmental employees. For example, the Communications Directorate responds to many requests for information from the media and the Canadian public. Additionally, the departmental website serves as a valuable source of information, where contracts over $25,000 and expenses of senior officials are routinely updated. Given the sensitivity of much of the information held in Public Safety Canada, there are few opportunities to disclose other types of information informally.

Public Reading Room

The *Access to Information Act* requires that institutions maintain a reading room where the public can review records. Records released under the *ATI Act* in the current year, as well as those released during the preceding two years are available for viewing at no charge. Photocopying costs are applied at $0.20 per page. The reading room is located at 269 Laurier Avenue West, 11th floor, Ottawa, Ontario. Access to the facilities are available by appointment only from Monday to Friday between 10am and 3pm, holidays excepted.



Access to Information Act Delegation Order

Arrêté sur la délégation en vertu de la Loi sur l'accès à l'information

The Minister of Public Safety and Emergency Preparedness Canada, pursuant to section 73 of the ***Access to Information Act****, hereby designates the persons holding the positions set out in the schedule hereto to exercise the powers and perform the duties and functions of the Minister as the head of a government institution, that is, the Department of Public Safety and Emergency Preparedness Canada, under the sections of the Act set out in the schedule opposite each position.

En vertu de l'article 73 de la ***Loi sur l'accès à l'information****, le Ministre de la Sécurité publique et Protection civile Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, les attributions dont il est, en qualité de responsable d'une institution fédérale, c'est-à-dire, le ministère de la Sécurité publique et Protection civile Canada, investi par les articles de la Loi mentionnés en regard de chaque poste.

Schedule

Annexe

Position Poste	Sections of the Access to Information Act Articles de la Loi sur l'accès à l'information
Deputy Minister and Associate Deputy Minister Sous-ministre et Sous-ministre délégué	7, 8(1), 9, 10, 11(2) to/à (6) incl., 12, 13 to/à 24 incl., 25, 26, 27, 28(1), (2), (4), 29(1), 33, 35(2)(b), 37(1)(b), 37(4), 43(1), 44(2), 52(2)(b), 52(3), 71; Reg./Règ. 6(1), 8.
Senior Assistant Deputy Minister and the Assistant Deputy Ministers Sous-ministre adjoint principal et les sous-ministres adjoints	7, 8(1), 9, 10, 11(2) to/à (6) incl., 12, 13 to/à 24 incl., 25, 26, 27, 28(1), (2), (4), 29(1), 33, 35(2)(b), 37(1)(b), 37(4), 43(1), 44(2), 52(2)(b), 52(3), 71; Reg./Règ. 6(1), 8.

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Schedule

Annexe

Position	Sections of the Access to Information Act
Poste	Articles de la Loi sur l'accès à l'information
Access to Information and Privacy Coordinator Coordonnateur, Accès à l'information et protection des renseignements personnels	7, 8(1), 9, 10, 11(2) to/à (6) incl., 12, 25, 27, 28(1), (2), (4), 29(1), 33, 35(2)(b), 37(1)(b), 37(4), 43(1), 44(2), 71; Reg./Règ. 6(1), 8.

Dated, at the City of Ottawa, this ____th day of JUL 26 2006, 2006.

Daté, en la ville d'Ottawa, ce ____ième jour de _____, 2006.

Stockwell Day, P.C., M.P. / Stockwell Day, C.P., député

Public Safety and Emergency Preparedeness Canada

Sécurité publique et Protection civile Canada

*S.C. 1980-81-82-83, c.111

Government of Canada / Gouvernement du Canada

REPORT ON THE ACCESS TO INFORMATION ACT
RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

Institution	PUBLIC SAFETY CANADA SÉCURITÉ PUBLIQUE CANADA				Reporting period / Période visée par le rapport 4/1/2008 to/à 3/31/2009
Source	Media / Médias	Academia / Secteur universitaire	Business / Secteur commercial	Organization / Organisme	Public
	131	12	5	28	59

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period / Reçues pendant la période visée par le rapport	235
Outstanding from previous period / En suspens depuis la période antérieure	59
TOTAL	294
Completed during reporting period / Traitées pendant la période visée par le rapport	242
Carried forward / Reportées	52

II Disposition of requests completed / Disposition à l'égard des demandes traitées

1	All disclosed / Communication totale	56	6	Unable to process / Traitement impossible	71
2	Disclosed in part / Communication partielle	89	7	Abandoned by applicant / Abandon de la demande	18
3	Nothing disclosed (excluded) / Aucune communication (exclusion)	2	8	Treated informally / Traitement non officiel	1
4	Nothing disclosed (exempt) / Aucune communication (exemption)	3	TOTAL		242
5	Transferred / Transmission	2			

III Exemptions invoked / Exemptions invoquées

S. Art. 13(1)(a)	19	S. Art. 15(1)(a)	9	S. Art. 18(b)	1	S. Art. 21(1)(a)	50
(b)	2	(b)	6	(c)	0	(b)	46
(c)	4	(c)	10	(d)	3	(c)	24
(d)	0	(d)	0	S. Art. 19(1)	47	(d)	8
S. Art. 14	32	S. Art. 16(2)	31	S. Art. 20(1)(a)	3	S. Art. 22	0
S. Art. 15(1) International rel / Relations intern	9	S. Art. 16(3)	1	(b)	9	S. Art. 23	23
Defence / Défense	47	S. Art. 17	3	(c)	8	S. Art. 24	4
Subversive activities / Activités subversives	1	S. Art. 18(a)	1	(d)	7	S. Art. 26	1

IV Exclusions cited / Exclusions citées

S. Art. 68(a)	2	S. Art. 69(1)(c)	2
(b)	0	(d)	3
(c)	0	(e)	20
S. Art. 69(1)(a)	11	(f)	0
(b)	0	(g)	23

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	148
31 to 60 days / De 31 à 60 jours	17
61 to 120 days / De 61 à 120 jours	22
121 days or over / 121 jours et plus	55

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	4	0
Consultation	3	86
Third party / Tiers	0	1
TOTAL	7	87

VII Translations / Traductions

Translations requested / Traductions demandées		0
Translations prepared / Traductions préparées	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

VIII Method of access / Méthode de communication

Copies given / Copies de l'original	139
Examination / Examen de l'original	2
Copies and examination / Copies et examen	4

IX Fees / Frais

Net fees collected / Frais nets perçus			
Application fees / Frais de la demande	$1,094.80	Preparation / Préparation	$0.00
Reproduction	$40.80	Computer processing / Traitement informatique	$0.00
Searching / Recherche	$1,240.00	TOTAL	$2,375.60

Fees waived / Dispense de frais	No. of times / Nombre de fois	$
$25.00 or under / 25 $ ou moins	59	$352.40
Over $25.00 / De plus de 25 $	26	$2,176.40

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)	($000)
Salary / Traitement	524,922.4
Administration (O and M) / Administration (fonctionnement et maintien)	159,469.5
TOTAL	684,392.0

Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	6.50

Supplemental Reporting Requirements for 2008-2009

In addition to the reporting requirements addressed in form TBS/SCT 350-62 "Report on the Access to Information Act", institutions are required to report on the following using this form:

Part III – Exemptions invoked

Section 13

Subsection 13(e): 0

Section 14

Subsections 14(a) 2

Subsections 14(b) 2

Part IV – Exclusions cited

Subsection 69.1 (1) ... 0